



General Assembly

Substitute Bill No. 55

February Session, 2004

* SB00055LABJUD030404 *

**AN ACT CONCERNING EMPLOYERS' LIABILITY UNDER THE
WORKERS' COMPENSATION ACT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 31-284 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2004*):

4 (a) [An] Except as provided in subsection (g) of this section, as
5 amended by this act, an employer [who] that complies with the
6 requirements of subsection (b) of this section shall not be liable for any
7 action for damages on account of personal injury sustained by an
8 employee arising out of and in the course of his employment or on
9 account of death resulting from personal injury so sustained, but an
10 employer shall secure compensation for [his] its employees as
11 provided under this chapter, except that compensation shall not be
12 paid when the personal injury has been caused by the wilful and
13 serious misconduct of the injured employee or by [his] the injured
14 employee's intoxication. All rights and claims between an employer
15 [who] that complies with the requirements of subsection (b) of this
16 section and employees, or any representatives or dependents of such
17 employees, arising out of personal injury or death sustained in the
18 course of employment are abolished other than rights and claims given
19 by this chapter, provided nothing in this section shall prohibit any

20 employee from securing, by agreement with [his] an employer,
21 additional compensation from [his] an employer for the injury or from
22 enforcing any agreement for additional compensation.

23 Sec. 2. Section 31-284 of the general statutes is amended by adding
24 subsection (g) as follows (*Effective October 1, 2004*):

25 (NEW) (g) In addition to any compensation awarded under this
26 chapter, a dependent or dependents, or the legal representative of a
27 decedent may bring an action against the decedent's employer in the
28 superior court for damages resulting from the death of the decedent
29 alleging that the employer's conduct showed a wanton and reckless
30 disregard for the safety of the decedent, provided the death resulted
31 from a personal injury arising out of and in the course of the
32 decedent's employment.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>

LAB *Joint Favorable Subst. C/R*

JUD